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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,643	02/25/2002	Willi Kaiser	070191-0322 (31-HL-6088)	3659
7590 08/23/2007				
Joseph D. Kuborn ANSRUS, SCEALES, STARKE & SAWALL 100 EAST WISCONSIN AVENUE, SUITE 1100 MIWAUKEE,, WI 53202			EXAMINER LE, LINH GIANG	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/082,643

Applicant(s)

KAISER ET AL.

Examiner

Michelle Linh-Giang Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to Amendment filed 23 May 2007. Claims 1-4 and 6-27 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 8, and 10-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker (5,277,188).

4. As per claim 1, Selker teaches a method for determining the presence of a condition of a patient's heart (Selker; Abstract), the method comprising the steps of:

Reading at least one parameter value of a bio-medical signal of a patient (Selker; Col. 3, lines 65-66); and
determining the likelihood of the presence of a condition of a patient's heart based on at least one parameter value, the step of determining including the step of comparing at

least one parameter value of the bio-medical signal with all corresponding parameter values stored in a database and calculating a percentage representing the likelihood wherein all corresponding parameter values in the database are collected from a plurality of patients (Selker; Col. 4, line 67 to Col. 5, line 16).

Selker does not expressly teach displaying the likelihood on a graphical user interface (GUI) wherein the at least one parameter of the patient is entered in a field box defined by a lead of measured parameter values and a type of parameter value. However, this is an obvious variant of the Selker teachings. In particular, Selker teaches a "report generating" feature (Selker; Col. 7, lines 6-11). Examiner submits that this is an obvious variant of the Selker teachings with the motivation of providing a useful and valuable variable for reporting and evaluating process of care information (Selker; Col. 3, lines 30-34).

5. As per claim 2, Selker teaches the method wherein the bio-medical signal comprises an ECG of the patient (Selker; Col. 3, lines 63-65).

6. As per claim 3, Selker teaches the method wherein the step of determining includes the step of calculating a comparison result for a condition based on the comparison of at least one parameter value of the patient with the corresponding parameter values stored in the database (Selker; Col. 6, line 39 to Col. 7, line 5).

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7. As per claim 4, Selker teaches the method wherein the step of calculating includes the step of determining whether the comparison value for the condition is TRUE (Selker; Col. 6, line 39 to Col. 7, line 5).

8. As per claim 6, Selker teaches the method further comprising the step of entering at least one parameter value of the patient, prior to the reading step (Selker; Col. 4, lines 57-66).

9. As per claim 8, Selker teaches the method determining the presence of a condition of a patient's heart, the method comprising the steps of:

Entering at least one parameter value of an ECG of a patient (Selker; Col. 4, lines 57-66);

The further features of claim 8 repeat the limitations of claim 1 and the reasons for rejection are incorporated herein.

10. Claim 10 repeats the limitations of claim 4 and the reasons for rejection are incorporated herein.

11. As per claim 11, Selker teaches the method wherein the step of calculating the probability value includes the step of determining the frequency of occurrence of the condition based on the comparison results (Selker; Col. 8, lines 4-20).

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12. Claim 12 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein. Selker further teaches using a computer program for performing the method described in claim 1 (Selker; Col. 5, lines 5-16).

13. Claims 13-16 repeat the limitations of claims 2-5 and the reasons for rejection are incorporated herein.

14. Claim 17 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein. Selker further teaches a system comprising a server and a computer program for performing the method described in claim 1 (Selker; Col. 5, lines 5-16).

15. Claims 18-22 repeat the limitations of claims 2-5 and the reasons for rejection are incorporated herein.

16. Claims 23-27 repeat the limitations of claims 17-22 and the reasons for rejection are incorporated herein.

17. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selker (5,277,188) in view of Fey (2002/0038277).

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18. As per claim 7, Selker does not expressly teach the method wherein at least one parameter value of the patient is entered via a browser. However this is well known in the art as evidenced by Fey. IN particular, Fey teaches using a client web browser (Fey; pg. 3, para. 24). It would have been obvious to add this feature to the Selker teachings with the motivation of providing a centralized health screening and data management system in communication with a plurality of facilities (Fey; pg. 3, para. 20)

19. Claims 9 repeats the limitations of claim 7 and the reasons for rejection are incorporated herein.

Response to Arguments

20. Applicant's arguments with respect to claim 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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